

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.usptb.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

7590

11/05/2003

JAMES Y. GO
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
12400 WILSHIRE BOULEVARD
7TH FLOOR
LOS ANGELES, CA 90025

EXA	AMINER
VY,	HUNG T
ART UNIT	PAPER NUMBER
2828	•

DATE MAILED: 11/05/2003

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,373	07/06/2001	Hua Li	NUFO003	6011

TITLE OF INVENTION: EXTERNAL CAVITY LASER WITH ORTHOGONAL TUNING OF LASER WAVELENGTH AND CAVITY OPTICAL PATH LENGTH

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1330	\$300	\$1630	02/05/2004

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
- B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or
- B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.
- ☐ Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
- II. PART B FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.
- III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

or Fax (703) 746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDR	RESS (Note: Legibly mark-up, with any o	corrections or use Block 1)	

7590

11/05/2003

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
12400 WILSHIRE BOULEVARD
7TH FLOOR
LOS ANGELES, CA 90025

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile

	nsmitted to the USPIO, on the date indicated below.
(Depositor's nam	
(Signatur	
(Dat	

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,373	07/06/2001	Hua Li	NUFO003	6011

TITLE OF INVENTION: EXTERNAL CAVITY LASER WITH ORTHOGONAL TUNING OF LASER WAVELENGTH AND CAVITY OPTICAL PATH LENGTH

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nonprovisional	NO	\$1330		\$300	\$1630	02/05/2004
EXA	MINER	ART UNI	T	CLASS-SUBCLASS]	
VY, F	IUNG T	2828		372-020000	_	
CFR 1.363). Change of correspond Address form PTO/SB/i	ce address or indication of "Foliance address (or Change of C 122) attached. tion (or "Fee Address" Indicat or more recent) attached. Use	Correspondence	names of agents OF firm (havi agent) and	nting on the patent front page up to 3 registered patent at a, alternatively, (2) the name ing as a member a registered the names of up to 2 registor agents. If no name is listented.	attorneys or I of a single attorney or 2 stered patent	

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

4a. The following fee(s) are enclosed:	4b. Payment of Fee(s):					
☐ Issue Fee	☐ A check in the amo	ount of the fee(s) is enclosed.				
☐ Publication Fee	☐ Payment by credit of	Payment by credit card. Form PTO-2038 is attached.				
☐ Advance Order - # of Copies	The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number (enclose an extra copy of this form).					
Director for Patents is requested to apply the Issue	Fee and Publication Fee (if any) or to re-apply	any previously paid issue fee to the application identified above.				
(Authorized Signature)	(Date)					

NOTE; The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



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7TH FLOOR	7TH FLOOR		2828		
LOS ANGELES, C	CA 90025		DATE MAILED: 11/05/2003	3	

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 18 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 18 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (703) 305-1383. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.



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7TH FLOOR			2828	·
LOS ANGELES, C	A 90025		DATE MAIL ED: 11/05/2003	2

Notice of Fee Increase on October 1, 2003

If a reply to a "Notice of Allowance and Fee(s) Due" is filed in the Office on or after October 1, 2003, then the amount due will be higher than that set forth in the "Notice of Allowance and Fee(s) Due" since there will be an increase in fees effective on October 1, 2003. See Revision of Patent Fees for Fiscal Year 2004; Final Rule, 68 Fed. Reg. 41532, 41533, 41534 (July 14, 2003).

The current fee schedule is accessible from (http://www.uspto.gov/main/howtofees.htm).

If the fee paid is the amount shown on the "Notice of Allowance and Fee(s) Due" but not the correct amount in view of the fee increase, a "Notice of Pay Balance of Issue Fee" will be mailed to applicant. In order to avoid processing delays associated with mailing of a "Notice of Pay Balance of Issue Fee," if the response to the Notice of Allowance is to be filed on or after October 1, 2003 (or mailed with a certificate of mailing on or after October 1, 2003), the issue fee paid should be the fee that is required at the time the fee is paid. If the issue fee was previously paid, and the response to the "Notice of Allowance and Fee(s) Due" includes a request to apply a previously-paid issue fee to the issue fee now due, then the difference between the issue fee amount at the time the response is filed and the previously-paid issue fee should be paid. See Manual of Patent Examining Procedure, Section 1308.01 (Eighth Edition, August 2001).

Effective October 1, 2003, 37 CFR 1.18 is amended by revising paragraphs (a) through (c) to read as set forth below.

Section 1.18 Patent post allowance (including issue) fees.

(a) Issue fee for issuing each original or reissue patent, except a design or plant patent:

(b) Issue fee for issuing a design patent:

By other than a small entity.....\$480.00

(c) Issue fee for issuing a plant patent:

By a small entity (Sec. 1.27(a))......\$320.00

By other than a small entity......\$640.00

Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

AN

	Application No.	Applicant(s)	•		
	09/900,373	LI ET AL.			
Notice of Allowability	Examiner	Art Unit			
·	Huna T Vv	2828			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308. 1. ☑ This communication is responsive to 10/30/03. 2. ☑ The allowed claim(s) is/are 2-5,16-19 and 33. 3. ☑ The drawings filed on 06 July 2001 are accepted by the Examiner. 4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some* c) ☐ None of the: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)). * Certified copies not received: 5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).					
(a) The translation of the foreign language provisional a					
6. Acknowledgment is made of a claim for domestic priority ur	nder 35 U.S.C. §§ 120 and/or 121.		•		
Applicant has THREE MONTHS FROM THE "MAILING DATE" of below. Failure to timely comply will result in ABANDONMENT of the complete of the comp	this application. THIS THREE-MOI	NTH PERIOD IS NOT EXTE	NDABLE.		
7. A SUBSTITUTE OATH OR DECLARATION must be subm INFORMAL PATENT APPLICATION (PTO-152) which gives reas			E OF		
 8. CORRECTED DRAWINGS must be submitted. (a) including changes required by the Notice of Draftspers 1) hereto or 2) to Paper No. (b) including changes required by the proposed drawing of including changes required by the attached Examiner 	correction filed, which has be	een approved by the Examir			
Identifying indicia such as the application number (see 37 CFR 1. each sheet.	84(c)) should be written on the drawir	ngs in the front (not the back)	of		
9. DEPOSIT OF and/or INFORMATION about the deposattached Examiner's comment regarding REQUIREMENT FOR TO			те		
Attachment(s)					
1 ☐ Notice of References Cited (PTO-892) 3 ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5 ☐ Information Disclosure Statements (PTO-1449), Paper No 7 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material	4⊠ Interview Summa 6⊠ Examiner's Ame 8⊠ Examiner's State 9□ Other	al Patent Application (PTO-1 ary (PTO-413), Paper No. 15 ndment/Comment ement of Reasons for Allowa PAUL IP ERVISORY PATENT EXAMIN ECHNOLOGY CENTER 2800	ō. ance IER		

Patent and Trademark Office L-37 (Rev. 04-03 Art Unit: 2828

Examiner's Amendment

- 1. An examiner's amendment to the record appears below. Should the changes and /or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.3.12. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
- 2. The following claim has been amended upon agreement by applicant during a telephone conversation with Jan Carol Little on October 30, 2003.

Claims 23, 26, 31-32 and 34 are cancel.

In claim 18, line 1, the word "claim 1" has been changed to - claim 33 --.

In claim 19, line 1, the word "claim 13" has been changed to - claim 2 --.

Reasons for Allowance

3. Claims 2-5, 16-19, 33 are allowed.

The following is an examiner's statement of reason for allowance:

None of the references of record teaches or suggests the claimed a laser, comprising: a gain medium having first and second output facets, the gain medium emitting a coherent beam from the first output facet along an optical path; an end mirror located in the optical path, the end mirror and the second output facet defining an external cavity; a laser mode selector positioned in the optical path before the end mirror; a laser mode tuning assembly operatively coupled to the end mirror to adjust the

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Application/Control Number: 09/900,373

Art Unit: 2828

position of the end mirror to adjust the optical path length of the external cavity to lock the laser onto a peak of a first passband, the first passband representing the laser mode; a laser channel selector postioned in the optical path; and a laser channel tuning assembly operatively coupled to the laser channel selector to adjust the position of the laser channel selector to lock the laser channel onto a peak of a second passband, the second passband representing the laser channel; the laser channel tuning assembly further coupled to adjust the position of the laser channel selector to unlock the laser channel from the peak of the second passband, while the laser mode tuning assembly is to maintain the laser mode locked onto the first passband.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Vy whose telephone number is (703) 605-0759. The examiner can normally be reached on Monday-Friday 8:30 am - 5:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul IP can be reached on (703) 308-3098. The fax numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Page 4

Application/Control Number: 09/900,373

Art Unit: 2828

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

PAUL IP SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 2800

Hung T. Vy Art Unit 2828 October 28, 2003

•	Application No.	Applicant(s)
Interview Summary	09/900,373	LI ET AL.
interview Summary	Examiner	Art Unit
	Hung T Vy	2828
All participants (applicant, applicant's representative, PTO	personnel):	
(1) <u>Hung T Vy</u> .	(3)	
(2) Jan Carol Little.	(4)	
Date of Interview: 30 October 2003.	·	
Type: a)⊠ Telephonic b)□ Video Conference c)□ Personal [copy given to: 1)□ applicant	2)∐ applicant's representativ	e]
Exhibit shown or demonstration conducted: d) Yes If Yes, brief description:	e)□ No.	
Claim(s) discussed: <u>34</u> .		
Identification of prior art discussed:		
Agreement with respect to the claims f)⊠ was reached. g	ı)∏ was not reached. h)∏ I	N/A.
Substance of Interview including description of the general reached, or any other comments: <u>Examiner suggests appliprior art and attroney agrees to cancel claim 34</u> .	nature of what was agreed to cant cancel the claim 34 beca	o if an agreement was house the claim 34 is rejcted by
(A fuller description, if necessary, and a copy of the amend allowable, if available, must be attached. Also, where no callowable is available, a summary thereof must be attached	opy of the amendments that v	reed would render the claims would render the claims
THE FORMAL WRITTEN REPLY TO THE LAST OFFICE A INTERVIEW. (See MPEP Section 713.04). If a reply to the GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR FORM, WICHEVER IS LATER, TO FILE A STATEMENT OF Summary of Record of Interview requirements on reverse s	last Office action has already THE MAILING DATE OF TH F THE SUBSTANCE OF THE	/ been filed, APPLICANT IS S INTERVIEW SUMMARY
		•
•		
Examiner Note: You must sign this form unless it is an		
Attachment to a signed Office action.	Examiner's sign	nature, if required



Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed.
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
 - (The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.